

**IN THE BROWN COUNTY CIRCUIT COURT
STATE OF INDIANA**

**IN THE MATTER OF)
LOCAL COURT RULES)**

**NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES OF PRACTICE
FOR THE BROWN CIRCUIT COURT**

Pursuant to Trial Rule 81 (C) and the Third Amended Schedule for All Local Court and Administrative District Rules, notice is given to the bar and the public that the Brown Circuit Court is proposing to amend the Local Rules of Practice.

The proposed amendment seeks to amend LR 07-AR15-ADMN-15. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. The text of the proposed amendments reads as follows:

Local Rule 15 Relating to the Indiana Administrative Rules

LR07-AR15-ADMN-15 Court Reporter Services

Section One. Definitions. For purposes of this local rule, the ~~following~~ definitions **contained in Administrative Rule 15** shall apply~~.~~.

- (3) ~~A Court Reporter is a person who is specifically designated by the court to perform the official court reporting services for the court including preparing a transcript of the record.~~
- (4) ~~Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.~~
- (5) ~~Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.~~
- (6) ~~Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.~~
- (7) ~~Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.~~

- (8) ~~*Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.~~
- (9) ~~*Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.~~
- (10) ~~*Overtime hours* means those hours worked in excess of forty (40) hours per work week.~~
- (11) ~~*Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.~~
- (12) ~~*Court* means the particular court for which the court reporter performs services.~~
- (13) ~~*County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.~~
- (14) ~~*State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.~~
- (15) ~~*Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.~~

Section Two. Court Reporter; Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. ~~The court shall enter into a written agreement with the court reporters that outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.~~ **Court Reporters shall be compensated for gap and overtime hours as set forth in the Brown County Human Resources Policies and Procedures as adopted and/or amended by the Judge.**
- (2) **Court reporters may charge a per page fee for preparation of transcripts if the transcripts are prepared on the court reporter's own time outside of any**

regular work hours, gap hours or overtime hours and are prepared using the court reporter's own paper and the court reporter's own supplies. This would include the ability to assign the transcript to a third party such as e-Scribers or TheRecord Xchange to transcribe or assist in typing the transcript. The total combined per page fee to be paid to the court reporter and/or third party transcriber shall not exceed the maximum per page fee set forth in this rule.

- (3) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars (\$4.00); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (4) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Four Dollars (\$4.00).
- (5) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars (\$4.00), plus the actual cost of paper used at a per page cost.
- (6) The per page fee for expedited transcripts shall be \$6.00 with 24 hours notice and \$5.00 with three (3) days notice.
- (7) **Binding and Exhibit and Index Volume Fees.** An additional fee shall be added to the cost of the transcript for the time spent binding the transcript and preparing the exhibit and index volumes at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate. This fee will only apply if the Court Reporter binds the transcript and prepares the exhibit and index volumes on the court reporter's own time outside of any regular work hours, gap hours or overtime hours using the court reporter's own paper and the court reporter's own supplies.
- (8) If a third party types the transcript for a per page rate equal to the maximum approved in this rule, the court reporter shall not be entitled to any additional per page fee, but with the approval of the Judge, shall complete the review and proofing of the transcript either:
 - during normal work hours using court equipment, paper and

supplies without charging any additional fee whatsoever; or

- **on the court reporter's own time outside of any regular work hours, gap hours or overtime hours using the court reporter's own paper, and the court reporter's own supplies at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate.**

- (9) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

Section Three. Private Practice.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such a purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
- a. The reasonable market rate for the use of the equipment, work space and supplies;
 - b. The method by which records are to be kept for the use of equipment, work space and supplies; and
 - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

Amended effective January 1, 2015

A copy of the proposed amendments is available for viewing or obtaining of a copy in the office of the Clerk of the Brown Circuit Court located at P.O. Box 85, 20 E. Main Street, Nashville, IN 47448-0085. A copy will be posted on the Indiana Judicial website at www.in.gov/judiciary/rules/local/.

COMMENTS ON LOCAL RULES

Comments may be made until July 1, 2015 to: Judge Judith A. Stewart, Brown Circuit Court, Courthouse, P.O. Box 85, 20 E. Main Street, Nashville, IN 47448 or by email at stewartja@browncounty-in.us. Final local court approval will be made by July 31, 2015. The proposed amendments approval will be submitted to the Supreme Court by August 1, 2015.

EFFECTIVE DATE

The amendments will be effective January 1, 2016 or upon approval by the Indiana Supreme Court if required.

Dated this 28th day of May, 2015.

Judith A. Stewart
Judge of the Brown Circuit Court